

APPROVED



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
JANUARY 27, 2005
MINUTES**

PRESENT: Betty Drake, Council Member
E.L. Cortez, Vice Chairman
Steve Steinberg, Commission Member
Jeremy Jones, Design Member
Kevin O'Neill, Design Member

ABSENT: Michael Schmitt, Design Member
Michael D'Andrea, Design Member

STAFF: Donna Bronski
Tim Curtis
Suzanne Colver
Randy Grant
Al Ward
Bill Verschuren
Kira Wauwie
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilwoman Drake at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILWOMAN DRAKE read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

January 13, 2005 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE JANUARY 13, 2005, MEETING MINUTES AS PRESENTED. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

CONTINUANCES

24-PP-2004 Offices @ Pinnacle Peak & Miller
Preliminary Plat
7655 E. Pinnacle Peak Rd
DFD Cornoyer Hedrick, Architect/Designer
Continued to a future date

COUNCILWOMAN DRAKE stated there are two items to be continued. Case 24-PP-2004 and 99-DR-2004 continued to a future date.

MR. JONES MOVED TO CONTINUE CASES 24-PP-2004 AND 99-DR-2004 TO A FUTURE DATE. SECOND BY VICE CHAIRMAN CORTEZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

COUNCILWOMAN DRAKE stated case 109-DR-2004 has been moved from the consent to the regular agenda. Case 1-DR-2005 has been moved for the regular agenda to the consent agenda.

CONSENT AGENDA

5-DR-2003#3 Rug Gallery West
Site plan & elevations
14939 N Northsight Bl
S K D Inc., Architect/Designer

22-PP-2004 Horseman Park Estates
Preliminary Plat
East of the NEC of 98th St. & McDowell
Mountain Rd
Techne Design, Architect/Designer

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|-------------|--|
| 23-PP-2004 | Rio Verde Estates
Preliminary Plat
13201 E. Rio Verde Dr
LVA Urban Design Studio LLC,
Architect/Designer |
| 109-DR-2004 | Paradise Valley Arsenic Removal Facility
Site plan and elevations
6212 N. Miller Rd
H & S International, Architect/Designer |

(PULLED TO REGULAR AGENDA)

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|--------------|--|
| 69-DR-2003#2 | Bashas Shopping Center
Parking lot shade canopies
8035 E. Indian School Rd
Robert Kubicek Architects,
Architect/Designer |
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VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASES 5-DR-2003#3, 22-PP-2004, WITH THE AMENDED STIPULATIONS. CASES 23-PP-2004, 69-DR-2003#2 AND 1-DR-2005 WITH THE AMENDED STIPULATIONS THAT STIPULATION 1A IS REVISED TO JANUARY 5 TO JANUARY 27 AND THE ARCHITECTURAL DESIGN STIPULATION REQUIRING THE COLORS TO RETURN TO THE BOARD BE STRUCK. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

- | | |
|-------------|--|
| 109-DR-2004 | Paradise Valley Arsenic Removal Facility
Site plan and elevations
6212 N. Miller Rd
H & S International, Architect/Designer |
|-------------|--|

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MR. JONES stated it appears the houses across the canal have a wall and appear lower on the site photos. Mr. Curtis replied the homes are slightly lower than the canal and there is a wall.

VICE CHAIRMAN CORTEZ inquired if there was an exhibit that showed the mature bosks of trees. Mr. Curtis replied the aerial would be the best exhibit but they are around the perimeter.

JOHN BERRY, Berry & Damore, 6750 E. Camelback Road, Suite 103, provided background information on the site. He further remarked as a result of the neighborhood outreach Arizona American Water Company hired a Taliesin trained architect. He added the proposal now fits the context of the area. He provided an overview of the project discussing the materials, and landscaping. He reported currently there is no public access from Cattle Track to the canal so they will provide public access to the canal so people can enjoy the canal.

He explained there are very specific legal criteria you have to meet for the use permit and the City Council and the Planning Commission found those criteria were met. The Historic Preservation Commission reviewed the Historic Preservation overlay designation as part of this process and approved it unanimously. He further explained as a result of neighborhood suggestions to have another chance to discuss the proposal the Council noticed this case for a potential reconsideration of the case and that case was heard two days ago. After significant discussion and public input, the Council voted to uphold the prior decision.

He reported at the last City Council meeting we voluntarily agreed to two important things:

- 1) To lower the height of the water tanks from 28 feet to 22 feet as measured from the canal. The top edge of the tank as measured from the canal will be 18 feet.
- 2) To bulk up the landscaping along the canal to further screen the tanks.

MR. JONES inquired when Mr. Berry stated the measurement from the canal was he talking about the water level or the road. Mr. Berry replied it is measured from the top edge of the canal to the road.

MR. STEINBERG inquired because of the proximity of the canal is it considered to be a flood plain. Mr. Berry replied in the negative.

VICE CHAIRMAN CORTEZ stated that the Board has been advised that we don't have the jurisdiction to decide the height of the tank. He requested an explanation. Mr. Berry explained that the City Council sets the heights based on the Zoning Ordinance but if we wish to we can voluntarily reduce the height. Ms. Bronski replied that is correct.

COUNCILWOMAN DRAKE stated the approved height was 28 feet in the R1-43 and in the special campus district technically they could have gone higher than

that so the 28 foot height is a right by entitlement but if Mr. Berry wants to reduce it more power to him.

LARRY HINE, H & S International, explained we were hired in October to assist in finding a design that was more in character with the neighborhood. He provided an overview of the design. He presented information on the landscaping. He discussed the offer to lower the tanks. He noted the Historic Preservation Commission suggested the tanks are a brown finish.

MR. JONES stated the only issue that requires further consideration is the way the tanks look. He further stated that he liked the color palette it is a good start. He reported he would encourage the patterns to be in a broad scale and work them up possibly diagonally to show off the roundness of the tank that consequently would show the shading. For future reference, he suggested they do perspectives rather than elevations. He suggested they go from dark to light from bottom to top and that would dissolve into the skyline. He further reported that he would like to see a representation of the pattern.

COUNCILWOMAN DRAKE stated that she would agree the modeling is a critical element and suggested the applicant take one of the existing tanks and paint it as a modeling model.

MR. STEINBERG inquired if this would be a phased project. Mr. Hine stated it was his understanding this would be built out in one phase.

VICE CHAIRMAN CORTEZ inquired if there is an engineered landscape plan. Mr. Hine replied we are just starting on the engineered landscape plan.

COUNCILWOMAN DRAKE stated the height is not up for discussion today. What we are looking at is the elevations, landscaping, and the site plan. This Board only has authority to consider those matters. She requested the comments be limited to these items.

(COUNCILWOMAN DRAKE OPENED PUBLIC TESTIMONY.)

NAN NESVIG, 6144 N. 77th Place, stated she represents three groups of residents comprised of 177 individuals. She further stated the proposed water tanks will destroy the view of Camelback Mountain from my backyard, Rose Lane, and 77th Place. She further stated that she was not contacted about this proposal.

MR. STEINBERG stated say it was not a Water Company and somebody bought it as a residential lot and decided to plant trees which would obliterate their views would she still be complaining. Ms. Nesvig stated if you want to plant trees it is fine because the mesquite trees are transparent most of the year.

ROLAND KUEFFNER, 6207 N. Cattle Track Rd, stated that his mother owns the property that borders American Water Company on the east and north side of her property. He reported that the proposed water towers do nothing to enhance the neighborhood and in fact detract. He reviewed the timeline of events. He further reported that a petition was started and there are over 60 signatures that oppose the height and size of these towers. He suggested everyone visit the site and they would notice all the mesquite trees leaves have fallen and due to that fact, there is no mesquite screen all winter long. He requested the towers be constructed in the manner presented at the open house.

CINDY NORLAND stated that she lives in Scottsdale on Drinkwater Boulevard. She reported the EPA made this mandate in January 2001, and there has been sufficient time for the Arizona Water Company to comply and do this properly. The proper way would be underground. She further reported that she did not understand why the existing tanks could not be utilized until the tanks could be properly installed underground. She added that she felt because of their failure to properly plan to do this properly the resulting thing is that residents have to suffer in this matter.

COUNCILWOMAN DRAKE reported she does have a letter from Ms. Kueffner requesting a transcript and she stated she can get a computer file through the web site.

KIRSTEN KUEFFNER, 16658 N. 106th Way, stated she owns the property directly west of the proposed tanks. She further stated to be forced to have these enormous ugly tanks looming over us is a travesty and violation of our property rights. She requested they are at least partially buried.

DAVID ADLER, 16658 N. 106th Way, stated he has heard a lot of misinformation from Mr. Berry. He further stated there are plays with words and misinformation. He reported why say the tanks can be reduced to 28 when the water can fit in 22. They were under the impression they were going to be partially buried. He further reported this is an issue of dollars and cents. He inquired why did they drag their feet when they knew about the EPA mandate in 2001. He noted they have not discussed the chemicals that are going to be used.

JANIE ELLIS stated she resides on Cattletrack. She stated that she felt good about the things they were granted that involves this project and has made it better for their neighborhood. She further stated that she felt we should take the offer to lower the tanks. She remarked she liked the idea to model it and help make it fade. She further remarked that she has lived on that property for 62 years and every house that is new blocks our view of Camelback Mountain. She added this is the way the World is you have to give and take. She concluded this is a good solution.

(COUNCILWOMAN DRAKE CLOSED PUBLIC TESTIMONY.)

MR. BERRY addressed the concerns from public testimony. He reviewed the heights under the current zoning. He noted that this is an unoccupied structure that would not generate the noise a home would. And would block less of the views than a home. He showed the pictures of the Kueffner property showing they keep their construction materials and debris. He commented on how this project would enhance the neighborhood. He reviewed the substantial public outreach that occurred. He reported we have tried to be good neighbors.

VICE CHAIRMAN CORTEZ inquired since the Board cannot dictate the height how can we stipulate to the Applicant's request to lower the height of the tanks. Ms. Bronski explained that the Applicant has the right to the height but the Board can stipulate them to lower if that is their request and offer but they cannot mandate it.

COUNCILWOMAN DRAKE inquired if there is stipulation language that would address the proposed changes. Mr. Curtis replied in the negative.

MS. BRONSKI inquired how procedurally the Board wanted to address the issue of modeling. Mr. Jones stated it should be a stipulation that an accurate 3-dimensional rendering color sketch be provided to the staff for review showing the actual pattern that is planned and be available to the DRB for review.

VICE CHAIRMAN CORTEZ stated he would like to have a stipulation that would request the Applicant to bring back the final landscaping plan for our review. He further stated he would like information on the existing verses the new. He noted this information could be provided at a study session. Mr. Berry stated we would like to be stipulated that we put in 72-inch box trees that would form a continuous screen that would be staggered in depth. He noted that the landscape architect has told him the landscape plans are at 90 percent.

(Mr. Steinberg left at 2:12 p.m.)

MR. JONES MOVED TO APPROVE CASE 109-DR-2004 WITH THE FOLLOWING STIPULATIONS:

- 1) **DRB RECOMMENDS ACCEPTANCE OF THE LOWER HEIGHT THAT HAS BEEN PROPOSED.**
- 2) **A 3-DEMINSION ILLUSTRATION IN SKETCH FORM BE MADE AVAILABLE TO THE STAFF FOR DRB REVIEWING AND WOULD NOT BE A STIPULATION THAT WOULD HINDER THE BUILDING PERMIT.**
- 3) **THE FINAL LANDSCAPE PLAN BE SUBMITTED TO A STUDY SESSION AS AN INFORMATION ITEM SO WE CAN REVIEW AND BE CLEAR ABOUT THE LANDSCAPE PLAN AND MAKE SUGGESTIONS**

TO STAFF WITHOUT IMPACT ON THE PROGRESS OF THE PROJECT.

MR. CURTIS stated he would like to clarify for the record exactly the height the tanks have been reduced to. Councilwoman Drake clarified it is 22 feet to the top of the vent measured from the canal road or 18 feet to the top of the tank wall as measured from the canal road. Mr. Jones stated that was the intent of the motion to include the updated site plan that was presented today by Mr. Berry. Councilwoman Drake stated that would amend Stipulation No. 1B, which addresses the site plan so that would be changed to reflect the current site plan date.

SECOND BY VICE CHAIRMAN CORTEZ.

MR. O'NIELL inquired which direction Mr. Jones wanted the rendering perspective to be from. Mr. Jones replied he did not think the direction was significant except what we would like to see a side that the sun shines on so that we could see part in shade and part in sunshine. He stated as this case could have presented in a way that people would have understood better and there would have been less concern.

MR. O'NIELL inquired with regard to the pedestrian connection if there were security issues with allowing people to walk through the facility. Mr. Berry replied in the negative because there would not be access to the facility.

COUNCILWOMAN DRAKE commented that she is assuming the landscape changes we have talked about do include the 72-inch box trees tastefully planted in a staggered formation to create a continuous landscaped screen as viewed from the canal. She called for the vote.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ZERO (0).

74-DR-2004 Matera Villas
 Site plan and elevation
 7323 E. Bellview St.

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

ELIZABETH ROSS, Treviso LLC, stated they are in agreement with staff but would be happy to answer questions.

MR. JONES stated the copy of the staff report he read states: "Staff recommends denial until a design has been submitted that addresses the need to have a strong street presence". Ms. Wauwie stated there is an updated report

on the desk plus amended stipulations recommending approval. Mr. Jones stated it is important to get on with redevelopment in this part of town so he would not have any objection.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 74-DR-2004 WITH THE AMENDED STIPULATIONS. SECOND BY MR. O'NEILL.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ZERO (0).

99-DR-2004	Spec Home for Landmark Partners Site plan and elevation 13358 E. Mountain View Rd. <u>Continued to a future date</u>
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1-DR-2005	6900 E. Thomas Remodel Changes to color & elevations 6900 E. Thomas Rd.
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(PULLED TO CONSENT AGENDA)

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 2:30 p.m.

Respectfully Submitted

"For the Record" Court Reporters